

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRANCH BANKING AND TRUST COMPANY,)

Plaintiff,)

vs.)

REGENA HOMES, LLC, *et al.*,)

Defendants.)

Case No. 2:12-cv-00451-RCJ-GWF

ORDER

Motion to Extend Deadline to Amend
Answer and for Leave to Amend
Answer (#44)


This matter comes before the Court on Defendants' Motion to Extend Deadline to Amend Answer (#44), filed on January 9, 2013. The time to file any opposition expired on January 26, 2013.

Under this Court's original Scheduling Order (#30), the deadline to amend the pleadings was November 9, 2012. Current counsel for Defendants substituted into this case on November 26, 2012, *see Doc. #34*, and entered into a stipulation to extend the discovery deadlines. *See Doc. #36*. The stipulation did not address the deadline to amend pleadings, however, because it had already passed. Defendants now seek an extension of the amendment deadline and leave to file an amended answer to assert four additional affirmative defenses. Defendants submit that they did not timely move for leave to amend due to the substitution of counsel, and note the discovery cutoff is not until March 18, 2013. The Court finds Defendants establish good cause for an extension and for leave. Furthermore, under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion. The time to oppose the instant Motion has expired, and no opposition has been filed. Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Extend Deadline to Amend Answer and for Leave to File Amended Answer (#44) is **granted**.

1 **IT IS FURTHER ORDERED** that Defendants shall have until **February 11, 2013** to file the
2 proposed amended answer (#44, Exh. A) with the Court.

3 DATED this 31st day of January, 2013.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
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